

AMENDED IN SENATE MAY 11, 1998

AMENDED IN SENATE APRIL 16, 1998

**SENATE BILL**

**No. 2005**

**Introduced by Senator Kopp**

February 20, 1998

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An act to amend Sections 65940.5, 65950, 65951, and 65957 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 2005, as amended, Kopp. Permit Streamlining Act.

(1) Under the Permit Streamlining Act, a state or local agency and a public agency that is the lead agency for a development project are required to act upon an application for a development project within specified time periods prescribed by the act and may not include a waiver of these time periods, as specified, as a condition of accepting or processing the application for a development project. ~~Existing law also authorizes a lead agency to waive specified time limits where a combined environmental impact report environmental impact statement is being prepared on a development project.~~

This bill would add the term "extension" to these provisions.

(2) *The bill would also declare the Legislature's intent to clarify that the act does not provide for the application of the common law doctrine of waiver by either its purpose or statutory language.*

*Existing law also authorizes a lead agency to waive specified time limits where a combined environmental impact*

*report-environmental impact statement is being prepared on a development project.*

*This bill would repeal this authority.*

(3) Existing law also authorizes a lead agency and a project applicant to mutually agree to waive these specified time periods and to agree to a one-time 90-day extension of certain time limits specified by law.

This bill instead would authorize the lead agency ~~or~~ *and* the project applicant to extend ~~or waive~~ these time limits ~~at least~~ *once upon their mutual written agreement* for a period not to exceed 90 days from the date of the extension ~~or waiver~~.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 65940.5 of the Government  
2 Code is amended to read:

3 65940.5. (a) No list compiled pursuant to Section  
4 65940 shall include an extension or waiver of the time  
5 periods prescribed by this chapter within which a state or  
6 local agency shall act upon an application for a  
7 development project.

8 (b) No application shall be deemed incomplete for  
9 lack of an extension or waiver of time periods prescribed  
10 by this chapter within which a state or local government  
11 agency shall act upon the application.

12 (c) Except for the extension~~—or waiver~~ of the time  
13 limits pursuant to Section 65950.1~~—or 65951~~, no public  
14 agency shall require an extension or waiver of the time  
15 limits contained in this chapter as a condition of accepting  
16 or processing the application for a development project.

17 SEC. 2. Section 65950 of the Government Code is  
18 amended to read:

19 65950. (a) Any public agency that is the lead agency  
20 for a development project shall approve or disapprove  
21 the project within whichever of the following periods is  
22 applicable:

23 (1) One hundred eighty days from the date of  
24 certification by the lead agency of the environmental

1 impact report if an environmental impact report is  
2 prepared pursuant to Section 21100 or 21151 of the Public  
3 Resources Code for the development project.

4 (2) Sixty days from the date of adoption by the lead  
5 agency of the negative declaration if a negative  
6 declaration is completed and adopted for the  
7 development project.

8 (3) Sixty days from the determination by the lead  
9 agency that the project is exempt from the California  
10 Environmental Quality Act (Division 13 (commencing  
11 with Section 21000) of the Public Resources Code) if the  
12 project is exempt from the California Environmental  
13 Quality Act.

14 (b) Nothing in this section precludes a project  
15 ~~applicant or a public agency from extending or waiving~~  
16 ~~any time limit~~ *applicant and a public agency from*  
17 *mutually agreeing in writing to an extension of any time*  
18 *limit* provided by this section pursuant to Section 65957.

19 (c) For purposes of this section, “lead agency” and  
20 “negative declaration” shall have the same meaning as  
21 those terms are defined in Sections 21067 and 21064 of the  
22 Public Resources Code, respectively.

23 SEC. 3. Section 65951 of the Government Code is  
24 amended to read:

25 65951. In the event that a combined environmental  
26 impact report-environmental impact statement is being  
27 prepared on a development project pursuant to Section  
28 21083.6 of the Public Resources Code, a lead agency ~~may~~  
29 ~~extend or waive the time limits established in Section~~  
30 ~~65950. In any event, the lead agency~~ shall approve or  
31 disapprove the project within 60 days after the combined  
32 environmental impact report-environmental impact  
33 statement has been completed and adopted.

34 SEC. 4. Section 65957 of the Government Code is  
35 amended to read:

36 65957. The time limits established by Sections 65950,  
37 65950.1, and 65952 may be extended ~~or waived once~~ *once*  
38 *upon mutual written agreement of the project applicant*  
39 *and the public agency* for a period not to exceed 90 days

1 ~~from the date of the extension or waiver.~~ from the date  
2 of the extension.

3 SEC. 5. The Legislature finds and declares that it is  
4 aware of the California Supreme Court's decision in  
5 *Bickel v. City of Piedmont* (1997), 16 Cal. 4th 1040. In  
6 enacting this act, it is the intent of the Legislature to  
7 clarify that the Permit Streamlining Act (Chapter 4.5  
8 (commencing with Section 65920) of Division 1 of Title  
9 7 of the Government Code) does not provide for the  
10 application of the common law doctrine of waiver by  
11 either the act's purpose or its statutory language.

